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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,629	07/07/2005	Tomohiko Mawatari	274299US0PCT	8392
22850	7590	09/21/2007		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER CARRILLO, BIBI SHARIDAN	
			ART UNIT 1746	PAPER NUMBER
			NOTIFICATION DATE 09/21/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/541,629

Applicant(s)

MAWATARI ET AL.

Examiner

Sharidan Carrillo

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1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7/7/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite for the following reasons. The preamble of claim 1 recites removing a sticky substance or a waste liquid containing a sticky substance. However, the last line of that claim recites only removing the sticky substance. It is unclear whether the waste liquid containing the sticky substance is also removed. Claim 3 is indefinite because it is unclear what is meant by the solid being "packed". Claim 4 is indefinite because "the packed mixture" lacks positive antecedent basis. Claims 5 and 6 are indefinite because it is unclear what the skilled artisan would consider as "partially polymerized". Claim 5 is further indefinite because it is unclear what the skilled artisan would consider as an "easily polymerizable substance". Claim 6 is further indefinite because of the "and/or" clause. Claim 11 is indefinite because it is unclear what is meant by a "relatively lower stickiness". Additionally, the limitations of "then these are mixed" are not further limiting since line 6 of claim 11 previously recites mixing the solid with the liquid. Claim 11 is further indefinite because it recites mixing the solid substance with the liquid, but fails to recite mixing the solid substance with the sticky substance of the waste liquid. It is also unclear whether the "vessel" recited in line 7

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refers to the “vessel” of line 2 or the “vessel” of line 5. Claim 12 is indefinite because “the residue having relatively higher stickiness” lacks positive antecedent basis.

Further, what would the skilled artisan consider as “higher stickiness”. It is also unclear what residue applicant refers to since claim 12 is dependent on claim 11, which does not recite any residue being formed. In line 3 of claim 12, it is unclear whether “vessel” refers to “a vessel” of claim 11 or “another vessel” of claim 11. Claim 12 is indefinite because it is unclear what is meant by “relatively lower stickiness”. The limitations of “then these are mixed” are not further limiting since line 2 of claim 12 recites mixing. Claims 13-14 are indefinite because it is unclear what is meant by “the method conducted for”.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 8, and 11-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Billi et al. (US2002/0162514).

Billi teaches an animal waste receptacle. Applicant's invention is so broadly claimed that it reads on cat litter. Specifically, Billi teaches a waste receptacle 4 for mixing sand (i.e. solid substance) with a waste liquid containing the sticky substance (urine and fecal matter) (paragraphs 8, 25) and removing the solid waste material from the receptacle (paragraph 37). Re claim 2, the limitations are inherently met since Billi

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is performing the same method steps as the instantly claimed invention. Re claim 3, in view of the indefiniteness, and since Billi teaches removal of solid waste, the limitations are met by the prior art. Re claim 8, Billi teaches sand, which reads on applicant's claim of "particle". Re claim 11, in view of the indefiniteness and since the urine/fecal mixture is discharged from the animal receptacle to the collector, for mixing with the sand, the limitations are met by Billi. Re claim 12, in view of the indefiniteness, the limitations are met by the prior art. Re claim 13, the method claims of Billi are performed for cleaning of the animal receptacle which reads on equipment for storing animal waste.

5. Claims 1-3, and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Billings (5135578).

Re claim 1, Billings teach cleaning oil slicks (i.e. waste liquid containing the sticky substance) or chemical spills on a body of water by treating with a poplar bark based product (i.e. solid substance) either onto a floating net on a body of water or onto oil or chemical spill on a ground surface and absorbing the oil or chemical into the product. The soaked product may then be removed and a substantial portion of the oil or spilled chemical is further recovered from the product (Abstract). Re claim 2, the limitations are inherently met since Billings is performing the same method steps as the instantly claimed invention. Re claim 3, in view of the indefiniteness, and since Billings teaches removal of oil slicks, the limitations are met by the prior art. Re claim 7, the limitations are met since oil is a byproduct of a petroleum process. Re claims 8-9, Billings teaches using bark, sawdust, (col. 4, lines 50-55). Col. 6, lines 60-61 teach wood shavings.

Allowable Subject Matter

6. Claims 4-6, 10 and 14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to teach the claimed limitations as recited in claims 4-6, 10 and 14.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Witt teaches removal of residue from a reactor. Simmons teaches a method of oil spill cleanup. Teng teaches a method of removing oil spills. Diehl et al. teach cleaning methacrylic acid fouling using steam. Cohen teaches cleaning polymerization reactors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharidan Carrillo whose telephone number is 571-272-1297. The examiner can normally be reached on M-W 6:30-4:00pm, alternating Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sharidan Carrillo
Primary Examiner
Art Unit 1746

bsc



SHARIDAN CARRILLO
PRIMARY EXAMINER